



UNITED STATES GOVERNMENT  
**NATIONAL LABOR RELATIONS BOARD**  
FREEDOM OF INFORMATION ACT BRANCH  
Washington, D.C. 20570

Via email

February 13, 2023

Re: FOIA Request NLRB-2023-000572

Dear Amritanshu Tripathi (Amritanshu Tripathi Advocate):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on January 5, 2023, in which you seek the following:

Signed Charge Against Employer, Amended Charge Letter, Conformed Settlement Agreement Bilateral and the Complaint from *STEWARD HEALTH CARE SYSTEM, INC.*, Case No. 01-CA-287904; Signed Charge Against Union, Initial Letter to Charged Party and Employer, and the Letter Approving Withdrawal from *AFSCME (Steward Health)*, Case No. 08-CB-292727; Signed RC Petition, Initial Letter to Employer, and the Stipulated Election Agreement from *Steward CGH, Inc., d/b/a Steward Coral Gables Hospital*, Case No. 12-RC-298543; Signed Charge Against Employer and the Initial Letter to Charging Party from *Steward Health Care System*, Case No. 01-CA-307693; and the Signed Charge Against Employer and the Initial Letter to Charging Party from *Holy Family Hospital-Methuen*, Case No. 01-CA-308923

You assumed financial responsibility for the processing of your request in the amount of \$500.00.

We acknowledged your request on January 5, 2023. In an email from a member of the FOIA staff on February 3, 2023, you were notified that three of the four of the records you requested from *Steward Health Care System, LLC*, Case No. 01-CA-287904 (the conformed settlement agreement, complaint, and charge) are already available and accessible on the NLRB's public website. They are exhibits/attachments to a document titled "Motion To Transfer Proceedings to the Board and For Default Judgment", and you were provided access via this link: <https://apps.nlr.gov/link/document.aspx/09031d458393ac50> Please let us know if you are unable to access these records.

A search of the Agency's electronic casehandling system, NxGen, has been conducted. This search has located 66 pages of responsive, releasable records

from the requested case files, which are attached. Regarding Case No. 01-CA-287904, we are here providing you with just the amended charge docketing letter, as the other requested records are publicly accessible, as noted above.

After a review of the attached records, I have determined that portions are exempt from disclosure under Exemptions 6 and 7(C) of the FOIA (5 U.S.C. § 552(b)(6) and (b)(7)(C)). Specifically, redactions have been made to protect the privacy interests of individuals named in the records. These redactions were made pursuant to FOIA Exemption 6, which pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy, and FOIA Exemption 7(C), which pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. 5 U.S.C. § 552(b)(6) and (b)(7)(C).

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

Two hours of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$74.00.

Payment Instructions: We are no longer accepting checks or money orders as payment. To submit payment for your FOIA request, please use [www.pay.gov](http://www.pay.gov). From the [www.pay.gov](http://www.pay.gov) home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Patrick Plummer, the Attorney-Advisor who processed your request, at 202-273-2999 or by email at [patrick.plummer@nrlb.gov](mailto:patrick.plummer@nrlb.gov), as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow

the scope of a request in order to minimize fees and processing times. The contact information for the Agency's FOIA Public Liaison is:

Kristine M. Minami  
FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: FOIAPublicLiaison@nrlb.gov  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: ogis@nara.gov  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at: <https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt  
Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the

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90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling  
FOIA Officer

Attachment: (66 pages)